

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

DECEMBER 9, 2002

MEMBERS PRESENT: LAWRENCE TORLEY, CHAIRMAN  
MICHAEL KANE  
LEN MCDONALD  
MICHAEL REIS  
STEPHEN RIVERA

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

PATRICIA CORSETTI  
ZONING BOARD SECRETARY

MYRA MASON

REGULAR MEETING

MR. TORLEY: I'm going to call to order the December 9, 2002 meeting of the Zoning Board of Appeals. And before we start, I have an announcement. This is our secretary, Pat's, last meeting. She has served the Town for a very long time. It's amazing how long somebody can serve the Town and still only be 39 years old.

MS. CORSETTI: Yeah and still be sane.

MR. TORLEY: We won't mention that. But I think that we should formally have in our minutes that we're recognizing Pat for many, many years of long service and I think she deserves a round of applause and having served with us and Jim for a long time, it probably seems longer than the 36 years. We're going to miss

her very much.

MS. CORSETTI: Thank you guys.

MR. TORLEY: I know we have a competent replacement who is going to take care of us. She's promised not to smack us on the head.

MS. CORSETTI: Thank you. I'll miss you too.

MR. TORLEY: Now we'll begin our sessions.

MINUTES

MR. TORLEY: Motion regarding the minutes.

MR. KANE: I move we accept the minutes of November 25 as written.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

PRELIMINARY MEETINGS:

ANDREWS, ROBERT

MR. TORLEY: Request for 5' side yard and 10' maximum building height to construct garage.

Mr. Robert Andrews appeared before the board for this proposal.

MR. ANDREWS: I'd like to build a garage, two floor.

MR. KANE: Do you have some pictures?

MR. ANDREWS: No, but I have a drawing of what it will look like.

MR. KANE: For the public hearing, can you take some pictures of the area just to show us?

MR. TORLEY: Give us an idea.

MR. ANDREWS: The only thing I would like to do though is in this initial one right here, it was 24 x 24, I'd like to put it up to 24 x 30, 24 wide, 30 deep.

MR. TORLEY: The depth is not the problem, right, Mike, just the width?

MR. ANDREWS: Yes, just the width, yeah, it was the width.

MR. KANE: And building height.

MR. ANDREWS: I may leave it 24 x 24, I'm into a bank so it's--

MR. REIS: You want to have us adjust that now?

MR. TORLEY: He's not asking for the length of the building doesn't affect it, just the side yard. Now one thing everything we do is based upon what you tell us, so if you need to have, if you ask for a five foot side yard variance and you need a 6 foot side yard variance, the bank can refuse you at some later date so

make sure of your distances.

MR. ANDREWS: Yeah.

MR. KANE: Any other buildings around you that have that 25 foot height?

MR. ANDREWS: Just my house and the neighbor's.

MR. KANE: This is going to extend over your house?

MR. ANDREWS: No, this will be behind my house. I'm trying to get as far back as possible. There's another garage right next door here.

MR. KANE: This is going to be higher than any other building in the area?

MR. ANDREWS: Not higher than my house or the neighbor's.

MR. KANE: How about other buildings in the neighborhood?

MR. ANDREWS: They're spread out pretty far, though.

MR. TORLEY: So basically you've got a two story house and you want to make a two story total garage?

MR. ANDREWS: Right.

MR. TORLEY: So it will blend in with the house and you have a lot space.

MR. ANDREWS: Yeah, I have a two car garage there but I want to put the 2 car or 2 floor garage.

MR. TORLEY: When you come to the public hearing, we'll need as Mike said some photographs and plans and things like that.

MR. ANDREWS: Yeah, I have plans.

MR. KANE: Show this to the gentlemen down there.

MR. ANDREWS: Yes.

MR. TORLEY: He needs the building height because it's one foot per on the side yard.

MR. BABCOCK: No, the building height says that if you go with the ten foot accessory building setback, you're only allowed to build 15 feet high and he's proposing 25 feet high.

MR. TORLEY: This is not attached to your house?

MR. ANDREWS: No.

MR. MC DONALD: Freestanding, right?

MR. ANDREWS: Yeah.

MR. MC DONALD: What's the purpose of the second floor? Is that going to be a completed second floor, finished?

MR. ANDREWS: I'm going to have a wood shop up top.

MR. MC DONALD: Not going to be an apartment?

MR. ANDREWS: No, wood shop.

MR. KANE: Going to be creating any water hazards or runoff?

MR. ANDREWS: No, not that I know of, I have an engineer, he came and looked at it.

MR. TORLEY: Not building it over a well or septic?

MR. ANDREWS: No.

MR. KANE: You cutting down any trees?

MR. ANDREWS: I have to cut down three trees.

MR. TORLEY: We'll be asking you the same kind of questions at the public hearing.

MR. ANDREWS: That's fine.

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move we have set up Mr. Andrews for a public hearing on his requested variances on Toleman Road.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

MCDERMOTT, RONALD & LARISUE

MR. TORLEY: Request for 8,000 s.f. lot area, 30' lot width, 5' front yard setback, 10' rear yard setback to construct single family home.

Mr. Robert Biagini appeared before the board for this proposal.

MR. BIAGINI: I'm representing the McDermotts for the construction of a new home.

(Whereupon, Mr. Krieger entered the room.)

MR. TORLEY: Is there any house on the lot now?

MR. BIAGINI: No, vacant lot.

MR. TORLEY: How old is this subdivision? It's quite old Merline Avenue.

MR. BABCOCK: Back well before zoning.

MR. TORLEY: So it's a pre-existing, non-conforming lot?

MR. MC DONALD: Yes.

MR. TORLEY: Does it meet the other standards required for the pre-existing, non-conforming lots?

MR. BABCOCK: Well, what my office did Mr. Torley was they give him benefit of the existing zoning. Before the zoning changed today in that lot area, you would need one acre to build, so they have three years from the zone change which was some time last October to meet the old zoning and that's the criteria that they have to go by.

MR. TORLEY: I'm just wondering if he meets the non-conforming lot, Section--

MR. BABCOCK: 48-24.

MR. TORLEY: 48-26 (e), which was added 1986



non-conforming residential lot which does not conform with the bulk area, I'm not reading the entire section, do you have central water and sewer?

MR. BIAGINI: Yes.

MR. TORLEY: It's more than five thousand square feet, the lot.

MR. BABCOCK: Yes, 7,000.

MR. TORLEY: Do you have 50 foot of road frontage?

MR. BABCOCK: Yes.

MR. TORLEY: Can you put in a 40 foot rear yard space?

MR. BABCOCK: No.

MR. TORLEY: That's why he fails on that.

MR. BABCOCK: Right and I also think he fails on the front yard because it's 35 foot, he only has 30, so if you'd like us to change those numbers, we just figured since he failed that test.

MR. TORLEY: Yeah, doesn't matter. Is there any particular reason to grant him variances under non-conforming lot which is the actual--

MR. KANE: The home that you're looking to build on that lot is similar to other homes in the area?

MR. BIAGINI: Yes.

MR. KANE: Same size, you're not going to change the nature of the neighborhood?

MR. BIAGINI: No, won't be overpowering, no.

MR. KANE: Cutting down any trees, creating any water hazards?

MR. BIAGINI: No, there's only one tree.

MR. KANE: Over any easements?

MR. BIAGINI: No.

MR. KANE: When you come in for the public hearing, bring in pictures.

MR. BIAGINI: Sure.

MR. REIS: Accept a motion?

MR. TORLEY: If there are no other questions, yes.

MR. REIS: Make a motion we set up the McDermotts for the requested variances for property on Merline Avenue.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

BLOOM AND BLOOM

MR. TORLEY: Request for 20.2' front yard, 7' rear yard.

Kevin Bloom, Esq. appeared before the board for this proposal.

MR. BLOOM: Mr. Chairman, good evening, members of the board, my name is Kevin Bloom, I have recently joined the law firm of Bloom & Bloom here in New Windsor, New York. For those of you who do not know, we're a law firm of two practitioners and I have recently joined making it three practitioners now in July. Because of my joining the practice, the existing structure that we have on our current lot right now needs to be expanded. And as a basis, we're on a corner lot currently right now and on the corner lot, I don't know if the members of the board have benefit of the survey that was done, you may have that.

MR. KANE: Yes.

MR. BLOOM: As you can see from the proposed addition on the right-hand side of the survey on the easterly side of the lot of our boundary, there's actually a road there currently right now. That road extends back into a lot that's behind the office. That's actually not shown on the survey, however, but that is an actual road that goes back into a building lot in behind. About halfway down on the lot, a tree line begins and those tree lines, those trees are about 30 feet in height and they extend down on the side of the lot and continue behind the lot in the rear portion of the lot and they're about 30 feet in height. The reason why I say that is because when I go to tell you right now for the proposed variances that we're looking for it's of some interest of that tree line because of the diminished impact that we believe we would have on the neighborhood. For the required front yardage, the permitted use is 35 feet. We'd be looking for a variance request of 20.2 feet and that would be for on the easterly side of the structure. The reason being is that we have to extend the building currently right now to the east, the reason why it's in the back

portion of the office that's where the septic and seepage pits are and it would be impossible for us to build in the back. But the tree line extends from the front portion of the building back, therefore, that structure that will be extending off to the easterly side will be diminishing its impact on the surrounding neighborhoods because of the tree lines currently there. The rear proposed variance that we're seeking for the permitted is 40 feet, we're asking for a 7 foot variance in the rear portion of the building and again, we're asking for that 7 foot variance in the back is because as you can see to the north part of the building, we can only build off to the side, not directly north because of the septic and seepage tanks that are currently there. And then that by placing the addition to the easterly portion of the building it would be of the same type of, it would be the same type of building, same type of materials, et cetera, therefore, diminish the impact that the people would have facing the building from the road. I will discuss the floor area coverage and the variances for that and the parking area coverage and the variance for that in the following way. For the floor area coverage, we're looking for a variance of 17 percent and for the parking area that of five more parking spaces. The reason why we're doing that is the following. Our law firm by having another associate join, myself, we need to have the extra space in order to have the proper support staff in order to join the law firm in order to support the practice that's going there right now and by the amount of parking spaces that are there for the respective clients that are going to be coming to the office actually be doing business there. And therefore, what we're saying is because the structure is being built to the easterly portion of the building, it will not be built directly towards the highway and because of the tree lines that surround the property, we believe there'd be a diminished impact upon the community and therefore, we would respectfully ask it to be approved.

MR. REIS: Kevin, you mentioned that there's septic tanks or septic system in there, you're not tied into the town municipal services?

MR. BLOOM: That's correct.

MR. MC DONALD: You have municipal water there, don't you?

MR. BLOOM: I don't know if it's municipal water or well water but I do know there's a septic in the back for sure.

MR. KANE: Your proposed addition 14 x 16, not overly large.

MR. BLOOM: No, it wouldn't be overly large. As you can see from the actual plan, it's only about not even, well, about a half of the building towards the easterly side and we wouldn't be adding any other portion other than that, it would be the same height as the building stands currently right now.

MR. TORLEY: When you come in for a public hearing, I appreciate the plan here, be prepared to talk about the developmental coverage, as far as drainage, since I assume this is going to be a hard paved parking lot?

MR. BLOOM: Yes.

MR. TORLEY: You're asking for 17 percent variance on the buildable coverage and also mine says 5 percent of the parking and I assume you mean 5 parking spaces?

MR. BLOOM: That's correct.

MR. KANE: Is it currently hard paved?

MR. BLOOM: Yes.

MR. TORLEY: Gentlemen, any other questions at this time?

MR. REIS: No, sir. Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: I make a motion that we set up Bloom and Bloom for the requested variances at the Blooming Grove

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Turnpike offices.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

BENISH, DEBORAH

MR. TORLEY: Request for re-establishment of non-conforming use discontinued for period of two years.

Mr. Robert Holmes appeared before the board for this proposal.

MR. HOLMES: I'm Robert Holmes, I'm representing Deborah tonight, she can't be here. Property in question is Pete and Dolly's and had a number of owners over the past three years. Every time somebody inherits the property, they pass away. So we have, I guess they've been to court several times trying to get it finally probated. It's taken a couple years and during that time, clearly the use has passed so we're hoping to get a hardship to re-establish the use.

MR. TORLEY: What's the use?

MR. HOLMES: Tavern, mixed use tavern on the first floor with an apartment upstairs.

MR. TORLEY: Refer to our attorney on this, the code, the gap in the non-conforming use, is that something we're empowered to vary?

MR. KRIEGER: Well, once it's non-conforming for the two years discontinued for the two years, it loses its status as non-conforming use. The answer to your question is no and then it requires a use variance. There is a question, however, as to there's always a question as to whether in fact it was discontinued for two years.

MR. TORLEY: If it's in the middle of legal matters, even though the owners or punitive owners wish to maintain that use but simply can't because of legal wrangling, does that count against time for them? They haven't deliberately not used it, they have not been allowed to use it.

MR. HOLMES: Nobody could sign a lease or deed or anything.

MR. KRIEGER: The answer is they could not possibly have been leased, understandably, the answer to your question is that the answer to your question is I don't know, I mean, yes, that is the question whether the two year period was tolled by the legal proceedings necessary for probate.

MR. KANE: You've paid electric bills and gas bills?

MR. HOLMES: I don't know, there's no power in the building so no.

MR. KANE: Taxes are still being paid?

MR. HOLMES: No, there's no money in the estate, there's no headstones on the graves, that's how destitute the estate was. Pete, a/k/a Patrick passed away leaving it to Mildred who subsequently passed away, she left it to her son, he died six months later almost to the day when the court appointed him executor so it's been almost like a total nightmare and it took two years to finally get it cleared.

MR. KRIEGER: Now, the question, that raises another question to which I don't know the answer, and that is with the two of them, if it was just one discontinuing but now they have discontinued and then there was another person in ownership and that person subsequently died, albeit very soon after being appointed.

MR. HOLMES: Almost a month, literally.

MR. KRIEGER: But that makes two persons.

MR. TORLEY: I would suggest that perhaps if we, if it's your pleasure to set him up for a public hearing that you may wish to contact an attorney to discuss this, I'm sure our attorney--

MR. HOLMES: There's no money in the estate for even that, it's terrible.

MR. REIS: How long has it been closed down?



MR. HOLMES: I think a good three or four years, right around three years anyway and, you know, clearly as time passes, it just falls into greater disrepair and it's really almost--

MR. TORLEY: You gave to ask yourself right now if it's worth trying to repair.

MR. HOLMES: Well, you know, I think it's probably salable, if there's a use for it, I mean, as it is now, it's a white elephant, it's neither fish nor fowl. So as it sits, it's just going to rot and deteriorate, maybe the County ends up with it, what are you going to have, just another pile of rubble. You've got a couple other pieces adjacent that are in the same state.

MR. TORLEY: I would yield to our attorney's skill in this matter to tell us whether the bell has tolled.

MR. KRIEGER: I would suggest that two things happen, first of all, that in order to move it off your agenda, set him up for a use variance and/or interpretation that will leave the door open. And then he can take advantage of that when and if he chooses to do so. In the meantime, I will be happy to research the question and report to you beginning of January and as to whether or not I found any authority to the, that would allow the tolling of that period.

MR. TORLEY: Or prohibit it.

MR. KRIEGER: Yes, whether there's anything on point and which way it goes.

MR. TORLEY: If there are no other questions then.

MR. KANE: You understand what we're going to do?

MR. HOLMES: Pretty much.

MR. KANE: We have to do a public hearing no matter what, so we're going to set you up for either a request for a use variance or an interpretation, if that's the route you want to go and seek legal counsel by all

means if you choose to and our attorney--

MR. KRIEGER: If you do, get in touch with me.

MR. HOLMES: Conflict, wouldn't it be?

MR. KRIEGER: If I were to be one in the same, yes, that would be.

MR. TORLEY: Do I hear a motion?

MR. KANE: Mr. Chairman, I move that we set up Deborah Benish for a use and/or interpretation for her property on River Road.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

MR. TORLEY: We're going to be needing a proxy.

MR. HOLMES: I think she'll be here.

MR. KRIEGER: For the actual presentation, now, you should understand that they are setting you up for, this means that it confers upon you a right, not an obligation. You can continue the process and at the public hearing, if you wish or not totally within your control, if you do have a public hearing, it will be necessary for you to complete in addition to the normal things an environmental impact statement cause it is necessary by state law that the zoning board of appeals if a use variance is to be considered, go through the SEQRA process. And you should be aware that use variances within by state law, with in the state law have been made very difficult, again through no action of this board or anybody in the Town here, it's state law. So if that's the avenue that you decide to pursue, you would be well advised to seek knowledgeable

legal counsel. There's no requirement that you do so, merely advice because it is so difficult. But again, if the board votes to grant you that right, you have the right, but you don't have the obligation. You can do nothing. It's entirely up to you or up to Deborah.

MR. HOLMES: So it seems like it's either going to be a public hearing or research and see where we stand.

MR. KRIEGER: I'm going to do research on the question and advise the members of the board because they wish me to do that. The information supplied would be, would add to their body of knowledge, whether or not it is applied to this particular application. In addition then and of course, because it's a public meeting, you have a right to be here when I report to them which as I say will be the first meeting in January which will be the second Monday in January. You will receive nor will anybody else no notice with respect to that, that process is completely independent from the process of the application and so forth.

MR. HOLMES: So I can make the application, I don't have to go through with it but I can keep the wheels spinning?

MR. TORLEY: Right. Now, you have the right to file the application, we're saying it's the 13th of January, I guess is the second Monday in January and if Andy's had the opportunity given his other requirements to do that research we'll discuss it at that time.

MR. HOLMES: Okay.

MR. TORLEY: You might want to consider taking some steps that do not commit you to large sums of money, things like getting the power back on because that shows an intent to continue.

MR. KRIEGER: Because the operation of the particular business would require a liquor license and there's nobody to whom a liquor license, there's nobody who could have applied for it.

MR. HOLMES: I had a couple of people who would have

but there's nobody to sign a lease and you need a three year lease minimum.

MR. KRIEGER: Somebody would have to have the business and in order to have the business--

MR. TORLEY: All these are things that can bear whether or not the, it's a continuing use, we'll find that out.

MR. HOLMES: Thank you.

LA CASA D'ORO INC.

MR. TORLEY: Request for 6" maximum height for "Electrolux" sign, 6" maximum height for "special tees" sign.

Robert Dickover, Esq. appeared before the board for this proposal.

MR. DICKOVER: Good evening, Mr. Chairman, my name is Robert Dickover, I'm an attorney practicing in Goshen. And if it pleases the Chairman, I prepared a preliminary statement of our application, it might just help matters a little bit but your statement fairly well sums it up.

MR. TORLEY: This is only a preliminary meeting and as a practicing attorney, the depth of information is probably less because you're experienced in this sort of matter. The question really is why can't you shrink the sign six inches?

MR. DICKOVER: Because they're up already and they have been up for a number of years. This is a commercial building on Windsor Highway known as The Heritage Square Shopping Center and there are presently six storefronts in the building, each of which has a placard sign hanging above it. As the years have gone by, my client had tenants come in tenants go out, names of the storeowners went up, they came down, signs were changed and so on. My client, LaCasa D'Doro Inc. sold the premises back in September to a new owner. As part of our agreement at the time of the closing, we undertook to remedy notices of violations received from the building department of which there were many, these are two that are remaining. The other ones have recently been addressed. Actually, a third issue which is a new one that we'll be adding to the application. There's presently a direct, you call them directory signs, I call them pole signs or placard signs out on the street, they list the six tenants there presently and that one was a variance, there's a legal one there but there was one constructed by my client years ago, another one that simply says Heritage Square on it, it's approximately, I didn't measure it, but by my eye,

it's about maybe 3 feet tall by 6 feet wide, hangs between two poles and we'd be adding this to our application.

MR. TORLEY: So you want to add that to your variance request?

MR. DICKOVER: Yes.

MR. TORLEY: For a second freestanding sign?

MR. DICKOVER: Yes.

MR. TORLEY: You'll have to provide the dimensions.

MR. DICKOVER: I will do so.

MR. KANE: Please take some pictures of the signs so we can see them.

MR. DICKOVER: Yes, I will do so. One picture of the store front as it presently exists would probably answer your question about the placard signs and second picture of our existing directory sign that's presently now going to be legal and the one that we're requesting a variance for should suffice.

MR. KRIEGER: Probably. Also want pictures looking both ways down the road so that the members of the board can see whether to what extent the existing signs do or do not interfere with the vision of the motorists.

MR. DICKOVER: Very good.

MR. KANE: Be prepared to discuss why you feel that second freestanding sign is so important. I understand the advertising for the other stores that are there but just the one for Heritage we're trying to keep the signs a little bit under control so be prepared to go that route.

MR. TORLEY: The other signs are not major variance requests, six inches, but you're allowed one freestanding sign, you're asking for another one.

MR. KANE: It's really not serving much of a purpose so just be prepared to go that way.

MR. DICKOVER: I will do so.

MR. TORLEY: Any other questions? Motion?

MR. REIS: Make a motion we set up LaCasa D'Oro Inc. for their requested variances at 152 Windsor Highway including the freestanding sign.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

PUBLIC HEARINGS:

HARRIS, ANNE

Ms. Anne Harris appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MS. MASON: For the record on the 27th of November, 28 notices containing the public hearing were mailed out.

MR. TORLEY: Request for interpretation of residence as a single-family with two kitchens. Yes, ma'am?

MS. HARRIS: I would just like basically the interpretation of my residence as a single family home with two kitchens and I do have pictures, I brought them last time, I will share them with you again.

MR. TORLEY: Now, the purpose of the second kitchen and living area?

MS. HARRIS: When my husband and I bought the house, it was listed as a two family and then I just went to refinance my house taking equity and, you know, they came back saying that my house is an illegal two family and that's why I'm here.

MR. TORLEY: But your purpose is, you're stipulating it is a single family house and will remain so?

MS. HARRIS: I guess it will have to be, yeah.

MR. TORLEY: Just happens to have two kitchens.

MS. HARRIS: My mother lives downstairs.

MR. TORLEY: So it's mother-daughter?

MS. HARRIS: Yes.

MR. TORLEY: Has a single entrance or essentially



single entrance?

MS. HARRIS: Yes. No, I mean--

MR. MC DONALD: One electric meter?

MS. HARRIS: You know what, my mother does get her own separate electric bill so--

MR. MC DONALD: How about the gas meter, that was one the last time?

MS. HARRIS: No gas, oil.

MR. TORLEY: So one oil tank?

MS. HARRIS: Yes.

MR. KANE: I already asked what your intention is to always use this as a single family home.

MS. HARRIS: Yes.

MR. KRIEGER: That means specifically that when your mother no longer occupies the premises, you can't rent it to somebody else.

MS. HARRIS: Okay but, I mean, I can have someone live there family if they wanted to or--

MR. KRIEGER: The law defines a single family as not more than 6 unrelated persons. By implication, yes, you can have a related person there but you couldn't do it as marketed like a landlord.

MS. HARRIS: Well, that's why we bought the house though because it was listed as a two family at the time, that's why my husband and I bought the house.

MR. TORLEY: Now, let's go over this again. You may have purchased it as a two-family house, but by requesting this interpretation, you're stating for the record that this is a one-family house, will not be--

MS. HARRIS: With two kitchens and will not be rented.

MR. TORLEY: You won't be renting out an apartment in it?

MS. HARRIS: Correct.

MR. KRIEGER: The interior there are no locked doors between the two?

MS. HARRIS: No.

MR. TORLEY: Like a bedroom door lock?

MR. KANE: Privacy lock?

MR. KRIEGER: You know, a doorknob lock.

MR. TORLEY: We're not talking about steel door outside entrance, just a privacy lock.

MS. HARRIS: My mother has an entrance around back when she live with me and when my aunt passed away, my husband and I put a door so she can come through, that's the only modification we made.

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions, yes.

MR. KANE: I move that we interpret the residence at 1 Riverview Avenue as a single-family home with two kitchens.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

MR. TORLEY: With this interpretation she's now going to the tax assessor and say this is not a two family,

it's a one family.

MS. HARRIS: But have I been paying more taxes throughout because it was listed like that?

MR. TORLEY: Probably.

MS. HARRIS: Do I get--

MR. KANE: No.

MR. TORLEY: When is the last time you heard of a government giving you money back? This is New Windsor, not Oz.

MR. KRIEGER: Can't get any tax relief from this board.

MR. TORLEY: Tell the assessor this is interpreted as a single family residence.

MS. HARRIS: Do I have to contact them?

MR. KANE: You'll get a notice, they'll probably want to see something in writing.

MS. HARRIS: Thank you.

NUGENT, JAMES

MR. TORLEY: Request for 80' lot width, 50' street frontage to allow single family construction in R-4 zone.

Mr. Gregory Shaw of Shaw Engineering and Mr. James Nugent appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? We need you to sign this.

MS. MASON: For the record, on November 27, 49 addressed envelopes went out containing the notice of public hearing.

MR. SHAW: for the record, my name is Gregory Shaw and I'm representing James and Kathleen Nugent and let the record show that Mr. Nugent is here with me tonight on this application. What I have passed out to the board is a tax map of the subject property consists of two parcels, one which is about one half acre in size and the other one which is a narrow 20 foot leg of a parcel which is about 1/10 of an acre in size. It's located in the R-4 zoning district. These are existing lots, they do not conform in the zoning ordinance and what we're proposing to do is combine those two lots into a building lot. The 20 foot leg that you see is part of Kayleen Drive, which is a private road that was created a long, long time ago, decades ago with the creation of those lots, so truly what we have is a flag lot. And in years passed, the New Windsor Zoning Ordinance was changed to eliminate flag lots. And by doing so, they had certain requirements with respect to road frontage and with respect to lot width. What we're asking for are for two variances tonight, one is for the lot width as we're obligated to provide a 100 foot wide lot, we have 20 feet of available space, therefore, requesting a variance of 80 feet and with respect to road frontage, we're requiring or the zoning ordinance requires 70 feet, again with the 20 foot leg, we're providing 20 feet and therefore, we're requesting a 50 foot variance. At our initial application before the board, you mentioned about possibly getting some

photographs and it's a wooded lot, it's a vacant, maybe the most appropriate photograph of all and unfortunately, it's in the snow is of Kayleen Drive so you can just get a sense of the neighborhood, but as I mentioned, the entire parcel is wooded. Right now, Mr. Nugent lives immediately to the north of that parcel and our request are for the two variances to enable to have a residence being built on that lot.

MR. TORLEY: Lot width comes into play because the zoning width was changed at the setback, not at the place where the house is because the lot you're going to place the house on meets all other requirements as far as footprint so you--

MR. NUGENT: Correct.

MR. SHAW: Yes.

MR. REIS: The pole part of the flag lot, it's fairly level, you have to cut some trees to access the property?

MR. SHAW: Not of the pole part, that's Kayleen Drive itself that's a surface that cars presently rode over to access other lots that are on Kayleen Drive, okay, I think the sketch shows two 20 foot legs, okay, Kayleen Drive pretty much goes right up the middle of that.

MR. TORLEY: Jim, there's a 2.4 acre lot?

MR. NUGENT: That belong to my house, it's part of my house.

MR. REIS: It's your intention to expand the access?

MR. SHAW: No, right now, Jim, surface of Kayleen Drive is what, paved?

MR. NUGENT: Blacktop.

MR. SHAW: And you'll have another house which will be accessing over the blacktopped drive.

MR. TORLEY: Jim, lot 54.1 is now vacant?

MR. NUGENT: The way they have it drawn here, my house is on that lot.

MR. TORLEY: And you have access, your house on that lot has access to 94 over this Kayleen Drive?

MR. NUGENT: That's correct.

MR. TORLEY: Make sure you're not cutting yourself off.

MR. NUGENT: No.

MR. KRIEGER: Once you sell off 75.1 or transfer it, you'll take back an easement over it to continue to use Kayleen Drive, correct?

MR. NUGENT: Correct, we all have easements.

MR. MC DONALD: How many other people use that driveway now?

MR. SHAW: How many other residents?

MR. NUGENT: There's three residents and Mrs. Belinsky.

MR. REIS: So we're not changing the character in any way, we're just getting permission.

MR. SHAW: To utilize a flag lot. Five years ago, this was probably a conforming lot, but when New Windsor decided that they wanted to eliminate flag lots and by doing so, you created minimum requirements for road frontage and the lot width is at the front yard setback line, this now became non-conforming, that's why we're here looking for relief but five, eight years ago there wouldn't have been a problem.

MR. REIS: Open it up to the public.

MR. TORLEY: Okay if there are no other questions, yes, ma'am?

MS. BELINSKY: I think the only question I have is about--

MR. TORLEY: Identify yourself for the record.

MS. BELINSKY: Sharon Belinsky at 10 Kayleen Drive. I believe that's lot number 58.

MR. BABCOCK: That's correct.

MR. TORLEY: Thank you and your question?

MS. BELINSKY: My concern is about Kayleen Drive itself at the present time, there's no agreement among residents along Kayleen Drive for maintenance of the roadway.

MR. NUGENT: Yes there is, I have a copy of it.

MS. BELINSKY: Of an agreement?

MR. NUGENT: Maintenance agreement, yes, we do, we did that when you wanted it.

MS. BELINSKY: My memory is that none of us could come to an agreement.

MR. NUGENT: Everybody is taking care of their own.

MS. BELINSKY: Everybody's taking care of their own?

MR. TORLEY: You're supposed to be talking, you remember?

MR. NUGENT: I'm explaining it to her.

MR. TORLEY: Whether or not there's a road maintenance agreement is not really relevant to our actions here, that's something you have to settle between yourselves and your insurance agents and all that. But do you have any objections to him having a house built on that piece of property?

MS. BELINSKY: No, I don't.

MR. TORLEY: You're going to do your drainage, do you have any other questions, ma'am?

MS. BELINSKY: I think it's a concern to the Town that the road is narrow and not being maintained in terms of its roads surface and I am concerned about that.

MR. SHAW: But that's nothing Mr. Nugent has any control over.

MR. TORLEY: I'll close the public hearing and open it back up to the members of the board.

MR. KANE: Jim, you're building the house, you're going to be cutting down trees?

MR. NUGENT: Yes.

MR. KANE: Creating any water runoff, drainage hazards, anything like that?

MR. NUGENT: No.

MR. KANE: House is similar, going to be similar in size to other homes in the neighborhood?

MR. NUGENT: Right.

MR. KRIEGER: Size and appearance duly noted.

MR. MC DONALD: Serviced by municipal water?

MR. NUGENT: Yes and sewer.

MR. TORLEY: So you won't be constructing over any sewer or water easements then?

MR. NUGENT: No.

MR. TORLEY: Gentlemen, do you have any other questions?

MR. KANE: Mr. Chairman, accept a motion?

MR. TORLEY: If there are no other questions, yes.

MR. KANE: Move we approve the request by James Nugent,



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his requested variances on Kayleen Drive.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

CARALEX REALTY

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Referred by Planning Board for 8' maximum building height variance for construction of a warehouse on Industrial Way. Is there anyone here for this? Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MS. MASON: For the record, on November 26, 11 envelopes went out containing the notice of public hearing.

MR. SHAW: Thank you. For the record, my name is Greg Shaw, I'm with Shaw Engineering and tonight I'm representing Caralex Realty. The first plan I have before you is a lot line change plan which is presently before the planning board. The reason I introduced this application is that in order to try and maximize the maximum amount of area buildable for the subject lot, we have a lot line change where we're taking approximately 8/10 from an adjoining parcel owned by Caralex Realty and adding it to the parcel that's before you tonight for the subject variance. Very simply, while it's a relatively large parcel, about 17 acres in size, and is very heavily inundated with New York State DEC wetlands, so what happens is we end up with a very small buildable area that we're proposing to construct the warehouse building and again, in order to try and maximize that, we have brought 8/10 of an acre from an adjacent parcel and added to the parcel that's under your review. That's the first drawing that I have presented before you. The second drawing is going to be the site plan which is again also before the planning board and again this is what we were asking the variance application for. We're proposing to construct a warehouse building of 31,750 square feet, and while I said the parcel is about 17 acres in size, we really only end up with about maybe 1.7 acres of buildable land. You'll see this line running through here which is the New York State DEC wetlands and over that is a hundred foot buffer area so really

the limited area that we can develop is this dashed line until we get to the property to the south. All other aspects of the site plan conform to the zoning ordinance, parking spaces, setbacks, et cetera. What we're asking for is a three foot high variance. I know the application states 8. At the preliminary meeting, I stated that we went back and we revisited the building height issue and the application that's before you is requesting only a three foot high variance. Again, the building is going to have a maximum height of 25 feet and we're 22 feet from the nearest building line allowing us to go a maximum height of 22 feet, therefore, 25 minus 22 is 3 feet and that's the request for the variance. I may point out that Caralex Realty owns this parcel which is before you, Caralex Realty also owns the parcel to the east of it and again, it's from this parcel that brings 8/10 of an acre over to here. Caralex Realty owns this parcel also which is immediately to the north and Verla International which Caralex Realty is the real estate arm of Verla International owns this parcel. So basically, all of Industrial Drive and the buildings that are on it are owned by Caralex Realty or Verla International for all intents and purposes are one in the same. So again, a three foot variance, not an eight foot variance and if we are to get a variance from the zoning board of appeals then we'd be returning to the planning board to resume our site plan approval process and a lot line change application.

MR. TORLEY: In making that lot line change, the lot from which you're taking the area still meets all the zoning code requirements?

MR. SHAW: Yes, otherwise the planning board won't allow it.

MR. TORLEY: Just wanted to make sure it's on the record.

MR. KANE: The building height itself is not going to be higher than any other buildings in that area?

MR. SHAW: No, that question was asked at the last meeting. Before the meeting I got here a little early

and I took a ride down Industrial Way, just to take a look at them and from the best that I can ascertain, this building looks like it's about 24 feet in height to the ridge line, this building looks like it's a round 28 feet high, so we're really asking for 23 feet here so we're going to be the smallest of the three buildings, assuming we do get the variance that we're requesting.

MR. KANE: So you're keeping the same character?

MR. SHAW: Probably all three are going to be identical, again, they're just pure warehouse, there's very few employees in the buildings. Again, they supplement Verla International's operation, which is out on Temple Hill Road, they just need these buildings for bulk storage.

MR. KANE: You're going to create any water hazards whatsoever in the building of this?

MR. SHAW: We're going to be generating impervious area and where we're going to take the storm water and letting it flow by sheet flow over the lands of Caralex Realty and they have to own between this parking lot and the Silver Stream a thousand feet of land and the water's just going to flow over land and eventually end up in the Silver Stream, which is a very large watershed area. So nobody's really going to be impacted by the creation of the impervious surfaces because it's going to remain on the lands of Caralex for a long way.

MR. KRIEGER: That's where it flows now?

MR. SHAW: Yes.

MR. KANE: So you're going to maintain the existing flow of water?

MR. SHAW: Yes.

MR. TORLEY: You mentioned that you're beyond the 100 foot DEC buffer limit?

MR. SHAW: Correct, we have not gone into the buffer area with any construction or regrading, we have gone up to the buffer area. It's unfortunate, it's a large parcel but the majority of it, 90 percent of it is wetlands and to make it work, we had to bring 8/10 of an acre over from another piece.

MR. TORLEY: Gentlemen, any other questions?

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: I make a motion that we pass Caralex Realty's request for their variance of a three foot building height in the warehouse on Industrial Way.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

ROUTE 32 NW REALTY LLC

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Request for one (1) additional facade sign and 3.5 ft. height for two signs: Long John Silver - one (1) additional facade sign and 3.5 ft. height for two signs: Freestanding - 56 ft. freestanding and 5 ft. height on Route 32.

MR. SHAW: For the record, again, my name is Greg Shaw with Shaw Engineering and tonight I'm representing Route 32 New Windsor Realty LLC, which is the owner and operator of the new combined Kentucky Fried Chicken Long John Silver's restaurant. This building is presently under construction and we're hoping to have a Certificate of Occupancy by the end of the year, we're just that close on it. One of the probably the last remaining item is the signs for the proposed building. What I passed out to the board is a breakdown of the variances that we're requesting and if I can just go over them very quickly, we're requesting a height of the freestanding sign, we're requesting an area of the, a variance for the area of the freestanding sign, we're also requesting to allow us to have two signs per business as opposed to one, we're requesting to allow us to go to a sign height for the facade signs in lieu of 2 1/2 feet high of 7 feet high. When we came here two weeks ago and presented this application, we were requesting with respect to facade signs, 4 signs with the dimensions of 7 feet by 9 feet and again, the board as they always do they asked us to minimize our request for the variance as much as possible and in speaking with the client, we have done that, we have reduced the size of the facade signs to 3 feet by 5 feet. We're allowed one facade sign per business, two businesses, KFC-Long John Silver's for a total of two signs, we're requesting an additional sign for each business. What we're also requesting is a variance for the height, your zoning ordinance allows a maximum freestanding sign of 15 feet, we're requesting a total freestanding height of 20 feet, therefore, five foot variance. And finally, we're requesting a variance for the area of the freestanding sign. If you notice in my breakdown

between the identification sign and the reader board that's going to be a total of 154 square feet, your zoning ordinance allows only 64 square feet, therefore, a total of 90 square feet. So we have reduced the size of the signage while we're still requesting a total of 4 signs for the facade as opposed to the two signs which is permitted by zoning, just excuse me for a second, I want to find the zoning ordinance. Thank you. The board had reluctance at the last meeting to approve an additional facade sign for each of the two businesses and in reading through your sign ordinance, there's relief if the board wishes to go that way and if I can quote from it, it says here if a permitted business--

MR. TORLEY: Where are you reading from?

MR. SHAW: Section H, permitted accessory signs.

MR. BABCOCK: 48-18.

MR. RIVERA: Is that current?

MR. SHAW: I believe so, 48-28.2.

MR. BABCOCK: I think you're quoting a page number.

MR. SHAW: Yes, I am.

MR. TORLEY: Point 12.

MR. SHAW: Point 2.

MR. REIS: While they're clearing that up, I've got a clarification here on the public hearing, it says 56 square foot freestanding, that's your requested variance, right, and on your schedule, you've got 90 square foot so I'm not--

MR. BABCOCK: Well, the 90 square foot is the total, if I'm not correct, I don't have a copy of the paperwork. We have the Ponderossa file and there's two different files.

MR. SHAW: When the initial application was submitted

to Mike's department, we got a rejection based on certain numbers and following the last meeting in the formal application that was submitted to the board the numbers were revised.

MR. KANE: So you're looking for 90.

MR. REIS: We've got to change something here.

MR. BABCOCK: The total square footage of the freestanding sign is 90.

MR. SHAW: No, the total square footage is 154 square feet, we're allowed 64 square feet of freestanding sign, therefore asking for a variance of 90.

MR. REIS: So it's 90 not 56?

MR. BABCOCK: Right, it's 90.

MR. SHAW: Back to the Chairman. Did I have the right section?

MR. TORLEY: I can't find mine, maybe mine's missing pages. What's the revision date?

MR. SHAW: 5/99 for the page that I'm on is 10/4/95.

MR. TORLEY: I'll take your word for it, mine, maybe I went from 4026 to 4028, I may have misfiled mine, I'll take yours as correct.

MR. SHAW: I'd like to bring out to the board again the board wishes to find a way to allow those signs, I think there are provisions and I'm reading from the section, facade signs, if a permitted business or establishment has more than one main building entrance then one additional full size facade sign will be permitted, but in no case shall the additional sign be located on the same building face as the other permitted sign. What we have here is the new building and this is the site plan that was approved by the planning board, we have an entry on the front elevation of the building, we have a side entry, if you look at the elevation of the building, you'll see the placement



of the facade signs, we have two towers, all right, that are under construction, we're proposing to put a sign on each corner of the tower as it faces Windsor Highway and another sign on the side elevation of the building, again, where the second entrance is. So there are provisions in the ordinance to allow a second set of facade signs, again, one for each business, if the board can see their way clear to that. And also unique and again, I'm going to go a few more pages into the ordinance, not that we would do this, but, I mean, if working in the framework of the ordinance as I read interior signs located within the building or stadium or within an enclosed lobby or court of any building and located within the inner or outer lobby court or theater entrance of any theater, that's an exempt sign, so my clients really can take these two signs, all right, which are under scrutiny by the board and just lower them, place them in the windows on the inside of the building and they would be an exempt sign. My client doesn't want to do that. My client wants to work within the framework. And if you take a look at the elevation, again, the towers and the architecture and the signs work together, one of the signs, actually two of the signs which would be Kentucky Fried Chicken doesn't even have any lettering, they just have the picture of the Colonel. So what I would ask the board in lieu of the fact that we have reduced the signage from 9 x 7 to 5 x 7, all right, and the fact that we have two entrances into the building, again, these entrances were approved by the planning board probably two months ago, that if you wanted to find a way to allow the facade signs that the board could.

MR. TORLEY: Did I mishear? I thought you said 3 x 5.

MR. BABCOCK: You did, I think you misspoke.

MR. SHAW: I'm sorry, 5 x 7.

MR. BABCOCK: That's what the paperwork shows.

MR. SHAW: Correct, that's the handout which reflects that which is included in the application.

MR. KANE: They were reduced from what again, Greg?

MR. SHAW: What I originally presented was 9 x 7 and the board just thought that was excessive and they wanted us to go back and revise it and we did, in fact, that's the smallest sign that they make, not that that's the board's problem, it's our problem, but it's the smallest that they make.

MR. TORLEY: I think that exempt sign thing is really referring to signs like that are inside the Destinta Theater, they're not seen from the inside, they're internal signage.

MR. BABCOCK: You can put window signs if you have a window, you can put any sign you want in the window as long as it's on the inside.

MR. TORLEY: Inside the glass?

MR. BABCOCK: Yes.

MR. SHAW: So we could take the signs off the wall and put them behind the glass in the heated space and they are now exempt, but we don't want to do that.

MR. TORLEY: Is there, again, is there anyone in the audience besides the applicants who wish to speak on this matter? Let the record show there is none.

MS. MASON: For the record, on November 26, 25 addressed envelopes containing the public hearing notice were mailed out.

MR. TORLEY: I'd like to move with the board's permission to the freestanding sign.

MR. SHAW: Fine, that's exactly where I was going.

MR. TORLEY: Why do you need the extra five feet of height?

MR. SHAW: What do you think varies the most with respect to the zoning ordinance, the height or the size of the sign?

MR. TORLEY: Both but I'm accessing one thing at a time.

MR. SHAW: Well, what I have done is I went along Route 32, the strip, and tried to take some pictures of existing signage and again, it's kind of hard to look at them and get a handle on the dimensions, but at least you can get a scale of them. And what I did, I think I took four or five photographs, all right, and with respect to the Carpet Mill Outlet property, that sign is definitely 20 feet, maybe higher. Econo Lodge, that has to be 25 feet high, all right, just down the street--

MR. TORLEY: Econo Lodge came in and requested a variance.

MR. BABCOCK: Yes, they did.

MR. TORLEY: I don't know about the Carpet Mill.

MR. KANE: That's been there for a long time.

MR. TORLEY: That's been there since I moved up here but this sign is replacing the old Ponderossa sign.

MR. SHAW: No, it wasn't our intention to replace that sign.

MR. TORLEY: That particular lot has pretty good visibility in both directions, it's not down in a hole, it's got good sight lines on the road for quite a ways at I would think 15 feet it meets.

MR. SHAW: You have two commercial parcels immediately north of us which I'm sure are going to be before the planning board within the next year or so so they're going to have their signage and now it will not be as visual.

MR. TORLEY: Okay, but they're still, they have to meet the same zoning code, they have to be 15 feet.

MR. SHAW: Planet Wings, that has to be greater than 15 feet in height, just look at the scale and the

dimensions of that I'm told are 8 x 16, it's a very large sign so, I mean, Route 32, Windsor Highway has a number of signs which are far in excess of 15 feet that permitted by zoning and it's kind of a tradeoff height versus size, all right, as far as visibility goes, obviously, you'd like to have both, but you can't always have them and that's why I asked what the board felt was the most, had the greatest variance from the New Windsor standards, maybe if it, if you could live with the size of the signs, maybe we can make it a little bit smaller or lower, I should say, or if you, if the size gets a little bit smaller, maybe we'd leave it up at the 20 foot height.

MR. TORLEY: What's the board's pleasure on this?

MR. REIS: What's the client's, you know, obviously, the client would like to have what you're asking for, but what would be their worst case scenario?

MR. SHAW: Worst case scenario is that they can live with the 15 foot, if they can get the 6 x 10 sign, actually it's 6.2 feet by 10 foot sign with the reader board exactly what was submitted to you.

MR. KANE: Personally, I'd go for the smaller sign and not a problem with the height.

MR. TORLEY: How much smaller can you make the sign and keep it at 20 feet?

MR. SHAW: I'm sorry?

MR. TORLEY: What's the next size smaller sign?

MR. MC DONALD: And still stay 20 foot.

MR. SHAW: The next size smaller sign is 5 x 9 and zoning allows 4 x 8 so we're not varying that much.

MR. TORLEY: Well, so you're asking 4 x 8, you can go 5 x 9, so you'd be, the board would, I'm hoping to paraphrase or see if I can get a consensus, so the board is willing to think of 7 x 9 at 20 feet, is that what you're saying?

MR. MC DONALD: Yes.

MR. KANE: Yes.

MR. TORLEY: Please correct me if I'm wrong.

MR. REIS: That would be your preference.

MR. SHAW: No, it won't be 7 x 9, it would be 5 x 9, our original proposal is 6 x 10 versus zoning of 6 x 8.

MR. TORLEY: So 5 x 9.

MR. REIS: And still have the height.

MR. SHAW: And still have 20 feet in height.

MR. KANE: Yes, I agree with that.

MR. BABCOCK: The reason for that size of the sign is that you have two businesses.

MR. SHAW: That's a very important point.

MR. BABCOCK: There's two businesses in one building, that's the problem.

MR. MC DONALD: And they're both using the same sign.

MR. BABCOCK: Right.

MR. MC DONALD: You're cutting down a foot.

MR. SHAW: In each dimension, so what we're asking for is one extra foot and each dimension above that is what we're allowed.

MR. TORLEY: Anything else?

MR. SHAW: Do you want to go back and revisit the facade signs or do you think we have discussed that?

MR. TORLEY: I think you have discussed it. I'm asking members of the board what questions they have.

MR. MC DONALD: No questions.

MR. TORLEY: Do you want to do these variances one at a time?

MR. REIS: Can you capsulize now where we are with this?

MR. SHAW: With respect to the freestanding sign, we're requesting 20 feet, the zoning ordinance allows 15 feet, we're asking for a variance of five feet. With, again, with respect to the freestanding sign, the dimensions are 5 feet by 9 feet, zoning ordinance which is a total of 45 feet per side plus the reader board and zoning allows us a 4 x 8. So we're asking for a one foot increase in each dimension, plus the reader board for the freestanding sign. What we're asking for with respect to the facade signs is we have two businesses, we're allowed two signs, what we're asking for are two signs per business for a total of 4 signs with two signs being placed on the front elevation by the front entrance and two signs being placed on the side elevation by the side entrance and whether it's two or whether it's four signs we're asking for a variance on sign height. We're allowed a maximum height of 2 1/2 feet, the signs are going to be 5 x 7 so therefore, we're asking for each of the facade signs, a height variance of 4 1/2 feet which is the 7 feet we're requesting minus the 2 1/2 feet which zoning gives us for a net difference of 4 1/2.

MR. TORLEY: Lighting, all these signs are internally lit?

MR. SHAW: Yes.

MR. TORLEY: No flashing neon, no moving signs?

MR. SHAW: No.

MR. MC DONALD: The two towers that are on the north in the parking lot, what's the distance from the center line from the road to the two towers on the right side?

MR. SHAW: From our property line 60 feet and we probably have another 20 feet to the edge of pavement so I'd say 75 feet to 80 feet in that range from the edge of the shoulder.

MR. REIS: The two signs per business are going to be facing north-south.

MR. SHAW: They're going to be facing Windsor Highway cause they'll be mounted on the front elevation and they'll be facing the north elevation cause that again is where our side entry is.

MR. REIS: Nothing coming up from the south.

MR. SHAW: No, that's going to be the drive-thru area with no signage.

MR. TORLEY: You're talking about small directional signage for the drive-thru area and that's within the code?

MR. BABCOCK: Yes.

MR. TORLEY: Gentlemen, do you want to take the variances in order all at once? Your choice.

MR. KANE: Probably be simpler to take them all at once, Mr. Chairman. Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move we approve the following variances for KFC-Long John Silver's on Route 32, a five foot freestanding height variance, a 56 square foot area freestanding variance, two additional facade signs, one per business and a height of the facade sign of 4 foot six inches per each sign.

MR. TORLEY: Number of facade signs would then be a total of four.

MR. KANE: Correct.

MR. SHAW: Correct, the numbers which he just presented

are accurate.

MR. REIS: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	NO
MR. TORLEY	AYE

MS. MASON: Motion is carried four ayes, one nay.

MR. TORLEY: I wish everyone here a happy holiday and be save. That ends our meeting and we'll see you all in 2003. Motion to adjourn?

MR. KANE: So moved.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

12/24/02